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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,343	06/23/2003	Kotaro Kashiwa	450100-04606	2023

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EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/602,343

Applicant(s)

KASHIWA, KOTARO

Examiner

Heather R. Jones

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/12/2007, 3/3/2005, 10/8/2003

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 14, line 12: change "(S5)" to --(S1)--.

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 17, line 13: reference character "2".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8, 15, 46, and 58 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 8 and 46 claim a content project program, which is non-statutory subject matter. Claims 15 and 58 claim a program recording medium having recorded thereon a content project creating program, which is non-statutory subject matter. Furthermore, the claims have improper language regarding the recording medium and the program cannot be claimed alone it must be on a recording medium. Please see the USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" in the Official Gazette notice of 22 November 2005.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, 21-24, 26-36, 38-48, 50-60, 62-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Seki et al. (U.S. Patent 7,154,534).

Regarding claim 1, Seki et al. discloses a content project creating method comprising the steps of: selecting a template as a template containing a setting of a scene arrangement of a plurality of scenes of content (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32); producing scene setting data for a scene included in the template selected in the selecting step by setting details of the scene using existing material data or newly created data (col. 30, lines 29-40); and outputting content project data constructed by managing the scene setting data on the basis of the scene arrangement set in the template (col. 30, line 65 – col. 31, line 5).

Regarding claim 3, Seki et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the method further comprising the step of setting details of image processing in accordance with the scene arrangement set in the template or in association with each of the scenes (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim 5, Seki et al. discloses all the limitations as previously discussed with respect to claim 1 including that in the content project data outputting step, the content project data is read (col. 30, line 65 – col. 31, line 5).

Regarding claim 7, Seki et al. discloses all the limitations as previously discussed with respect to claim 1 including that the content project data outputting step, the content project data is transmitted (col. 30, lines 65-67).

Regarding claims 8, 10, 12, and 14, these are claims directed to a program corresponding to the method claims 1, 3, 5, and 7. Therefore claims 8,

10, 12, and 14 are analyzed and rejected as previously discussed with respect to claims 1, 3, 5, and 7.

Regarding claims **15, 17, 19, and 21**, these are program recording medium claims corresponding to the method claims 1, 3, 5, and 7. Therefore claims 15, 17, 19, and 21 are analyzed and rejected as previously discussed with respect to claims 1, 3, 5, and 7. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **22**, Seki et al. discloses an imaging apparatus comprising: imaging means (102) for capturing an image and generating a video image signal; processing means (115) for processing the video image signal; obtaining means (109) for obtaining content project data including scene setting data for each scene included in a scene arrangement of a plurality of scenes of content; display control means for displaying details of the content project data on a display device (104); and imaging control means (112) for controlling selection of a scene of the content project data, the capturing of the image by the imaging means, and the processing of the video image signal by the processing means (col. 11, line 45 – col. 13, line 61).

Regarding claim **23**, Seki et al. discloses all the limitations as previously discussed with respect to claim 22 including that the processing means records the video image signal on a recording medium, and the imaging apparatus further comprises: management information updating means for updating management information for the content project data so that the video image

signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected is allocated to the scene arrangement of the content project data (Fig. 35).

Regarding claim **24**, Seki et al. discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the processing means transmits the video image signal from the communication means, and wherein the imaging control means transmits, upon transmission, from the communication means, of the video image signal captured by the imaging means while the scene of the content project data is selected, information on the selected scene (col. 12, lines 53-55).

Regarding claim **26**, Seki et al. discloses all the limitations as previously discussed with respect to claim 22 including that the obtaining means obtains the content project data recorded on a recording medium differing from the recording medium placed on the processing means (col. 12, lines 51-60).

Regarding claim **27**, Seki et al. discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the obtaining means obtains the content project data received by the communication means (col. 12, lines 53-55).

Regarding claim **28**, Seki et al. discloses all the limitations as previously discussed with respect to claim 22 including that the display control means

displays the scene setting data associated with the selected scene on the display device, the displayed scene setting data serving as the details of the content project data (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **29**, Seki et al. discloses all the limitations as previously discussed with respect to claim 22 including that upon capturing the image by the imaging means while the scene of the content project data is selected, the display control means displays, on the display device, the scene setting data associated with the selected scene and the video image signal generated by the imaging means (Fig. 29).

Regarding claim **30**, Seki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the display control means displays, on the display device, a video image that includes the video image signal allocated by the management information updating means to the scene arrangement of the content project data and that is based on the content project data (Fig. 29).

Regarding claim **31**, Seki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **32**, Seki et al. discloses all the limitations as previously discussed with respect to claims 22 and 24 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **33**, Seki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 as well as the apparatus further comprising editing means for editing the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected (col. 30, lines 49-57).

Regarding claims **34-36** and **38-45**, these are method claims corresponding to the apparatus claims 22-24 and 26-33. Therefore, claims 34-36 and 38-45 are analyzed and rejected as previously discussed with respect to claims 22-24 and 36-33.

Regarding claims **46-48** and **50-57**, these are claims directed to a program corresponding to the apparatus claims 22-24 and 26-33. Therefore claims 46-48 and 50-57 are analyzed and rejected as previously discussed with respect to claims 22-24 and 26-33.

Regarding claims **58-60** and **62-69**, these are program recording medium claims corresponding to the apparatus claims 22-24 and 26-33. Therefore claims

58-60 and 62-69 are analyzed and rejected as previously discussed with respect to claims 22-24 and 26-33. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **70**, Seki et al. discloses a content creating system comprising: storage means for storing a template containing a setting of a scene arrangement of a plurality of scenes of content and material data (; selecting means for selecting the template stored in the storage means; scene details setting means for producing scene setting data for a scene included in the template selected by the selecting means by setting details of the scene using the material data obtained from the storage means or newly created data; content project data outputting means for outputting content project data constructed by managing the scene setting data on the basis of the scene arrangement set in the template; imaging means for capturing an image and generating a video image signal; processing means for processing the video image signal; obtaining means for obtaining the content project data output by the content project data outputting means; display control means for displaying details of the content project data on a display device; and imaging control means for controlling selection of a scene of the content project data, the capturing of the image by the imaging means, and the processing of the video image signal by the processing means.

Regarding claims **70-72**, these are system claims comprising claims 1 and 22-24. Therefore, claims 70-72 are analyzed and rejected as previously

discussed with respect to claims 1 and 22-24.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 4, 6, 9, 11, 13, 16, 18, 20, 25, 37, 49, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. as applied to claims 1, 8, 15, 22 34, 46, and 58 above, and further in view of Kato et al. (U.S. Patent 7,020,381).

Regarding claim 2, Seki et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose the method further comprising the step of setting details of audio in accordance with the scene arrangement set in the template or in association with each of the scenes.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus wherein the details of audio in accordance with the scene arrangement can be set (Fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included audio along with the scene arrangement as Kato et al. discloses with the template for the scene arrangement as disclosed by Seki et al. in order to include audio with the images to make them more realistic by including the surrounding noises.

Regarding claim 4, Seki et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose the step of changing the scene arrangement set in the template.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus comprising the step of changing the scene arrangement set in the template (Fig. 9 – the user can cut images therefore changing the scene arrangement).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed the user to change the scene arrangement as disclosed by Kato et al. in the method disclosed by Seki et al. in order to allow the user to change their ideas on the scene arrangement based on the images they received during the shooting operation.

Regarding claim 6, Seki et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the content project data is recorded on a recording medium.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus wherein the content project data is recorded on a recording medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the content project data on a recording medium as disclosed by Kato et al. instead of transmitting the content project data to the camera as disclosed by Seki et al. in order to allow the

camera to have more versatility because transmitting information may not be available in all locations.

Regarding claims **9**, **11**, and **13**, these are claims directed to a program corresponding to the method claims 2, 4, and 6. Therefore claims 9, 11, and 13 are analyzed and rejected as previously discussed with respect to claims 2, 4, and 6.

Regarding claims **16**, **18**, and **20**, these are program recording medium claims corresponding to the method claims 2, 4, and 6. Therefore claims 16, 18, and 20 are analyzed and rejected as previously discussed with respect to claims 2, 4, and 6. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **25**, Seki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23, but fails to disclose the obtaining means obtains the content project data recorded on the recording medium placed on the processing means.

Referring to the Kato et al. reference, Kato et al. discloses a video editing apparatus wherein the content project data is recorded on a recording medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have stored the content project data on a recording medium as disclosed by Kato et al. instead of transmitting the content project data to the camera as disclosed by Seki et al. in order to allow the

camera to have more versatility because transmitting information may not be available in all locations.

Regarding claim **37**, this is method claim corresponding to the apparatus claim 25. Therefore, claim 37 is analyzed and rejected as previously discussed with respect to claim 25.

Regarding claim **49**, this is a claim directed to a corresponding to the apparatus claim 25. Therefore, claim 49 is analyzed and rejected as previously discussed with respect to claim 25.

Regarding claim **61**, this is a program recording medium claim corresponding to the apparatus claim 25. Therefore, claim 61 is analyzed and rejected as previously discussed with respect to claim 25. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
April 2, 2007


James J. Groody
Supervisory Patent Examiner
Art Unit 2621